

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

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| United States of America |) | |
| v. |) | |
| VICTORIA SWAIN |) | Case No: <u>99-20018-02</u> |
| |) | USM No: <u>17021-039</u> |
| Date of Previous Judgment: <u>March 13, 2001</u> |) | <u>Rhonda Brazile</u> |
| (Use Date of Last Amended Judgment if Applicable) |) | <u>Defendant's Attorney</u> |

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 108 months **is reduced to** Time Served.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

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| Previous Offense Level: <u>31</u> | Amended Offense Level: <u>29</u> |
| Criminal History Category: <u>I</u> | Criminal History Category: <u>I</u> |
| Previous Guideline Range: <u>108</u> to <u>135</u> months | Amended Guideline Range: <u>87</u> to <u>108</u> months |

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 3/13/2001 shall remain in effect.

IT IS SO ORDERED.

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|----------------------------------|-----------------------|
| Order Date: <u>July 23, 2008</u> | s/Victoria A. Roberts |
| | Judge's signature |

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| Effective Date: <u>July 23, 2008</u> (if different from order date) | Victoria A. Roberts, U.S. District Judge |
| | Printed name and title |